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February 23, 2010

Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: Empowering Parents and Protecting Children in an Evolving Media Landscape, MB Docket FCC 09-94

Dear Chairman Genachowski and Commissioners,

Please accept these comments in response to the Federal Communications Commission Notice of Inquiry (MB Docket No. 09-194). The following presents empirical evidence of the risks from young people's exposure to food marketing and the difficulty of protecting them from those risks. We provide references that we consider to be important contributors to the knowledge in this field.

Numerous studies document the poor nutritional quality of the majority of foods marketed to children and adolescents. For example, a comprehensive analysis of television food advertisements in 2004 shows that 98% of those seen by children and 89% of those seen by adolescents promote products high in fat, sugar and/or sodium.[1] Similarly, other forms of child-targeted marketing also promote primarily calorie-dense low-nutrient foods, including company-sponsored advergaming websites,[2, 3] magazines[4] and child features on product packaging.[5, 6] To date, fewer published studies have documented newer forms of food marketing, including internet marketing, product placements, social and viral media, and mobile marketing. However, food companies use newer forms disproportionately to reach adolescents,[7] and their use is growing relative to traditional media.[8] In spite of food industry pledges to improve food marketing to children through the Children's Food and Beverage Advertising Initiative,[9] analyses of 2008 television and internet marketing practices demonstrate little substantive change in the volume and nutritional quality of food and beverage products advertised to children.[10, 11]

Food marketing poses significant risks to young people's health

Research has consistently demonstrated effects of food marketing exposure on brand preferences as well as broader long-term risks to child and adolescent health.

Television food advertising increases children's preferences for advertised foods, food choices following exposure and requests to parents for advertised products. Several papers have reviewed the extensive literature on effects of food marketing to children, including

comprehensive reviews by the Institute of Medicine (IOM) and Hastings and colleagues for the UK Food Standards Agency.[12-15] These reviews reach similar conclusions: television food advertising increases children's desire for the nutrient-poor foods most commonly advertised. The Hastings report also concludes that food advertising increases preferences for unhealthy categories of foods. These reviews also highlighted the need for additional research on causal effects of food marketing to young people in several domains, including effects of non-television marketing, effects on very young children and adolescents, effects on broader nutrition-related beliefs and behaviors, and the effectiveness of marketing to promote healthy foods.

Recent studies demonstrate even broader effects of food marketing on the health of children and adolescents. For example, product placements, advergames and radio advertising also affect children and adolescents.[16-18] Television food advertising increases snack food consumption during and immediately following exposure.[19-21] Exposure to commercial television is associated with increased overall calorie consumption,[22] higher BMI[22] and reduced fruit and vegetable consumption five years later.[23] Recent econometric studies also demonstrate that exposure to fast food advertising predicts higher BMI among children[24] and exposure to soft drink advertising is associated with increased consumption of sugar-sweetened beverages.[25]

Educational solutions will not offset these risks

Many proposed solutions to protect young people from unhealthy food marketing are designed to educate them about how marketing attempts to influence and/or the negative consequences of consuming energy-dense low-nutrient foods. These educational solutions include media literacy, nutrition education, marketing of healthy foods and parental mediation. Virtually no research has demonstrated that these solutions reduce the risks associated with food marketing exposure. We cannot definitively determine whether published research is unavailable because researchers have not explored the topic or because proposed approaches have not proven to be effective (as insignificant findings are not typically reported in academic journals). However, existing research provides evidence that educational approaches are not likely to protect young people from the harmful effects of exposure to food marketing.

Media literacy education is based on the inaccurate premise that skepticism about advertising and understanding of persuasive intent will reduce young people's susceptibility to food marketing. Although older children and adolescents express high levels of skepticism about advertising,[26] they continue to enjoy and be highly involved consumers of advertising.[27-29] Accordingly, a few studies provide direct evidence that understanding persuasive intent *does not* reduce the effectiveness of advertising.[18, 30-32] The advertising media literacy curricula used in elementary schools have not been systematically evaluated;[33, 34] however, most are based on this unproven assumption that increasing understanding and skepticism about food advertising will reduce its influence.

Media literacy programs to specifically teach children to resist food marketing may be less effective than other health-focused media literacy programs. Although media literacy education can reduce susceptibility to future smoking and alcohol consumption,[35, 36] one recent study evaluated a program to teach children about the harmful effects of food marketing and found

that children who participated in the intervention exhibited *greater* preferences for the advertised foods presented in a media literacy video.[30] To maximize efficacy, media literacy education should occur before unhealthy behaviors are firmly established.[37] Unfortunately, children's food preferences develop very early (by age 2 or 3 years) and remain highly stable through childhood.[38, 39] As children cannot be taught media literacy before they possess the cognitive skills to understand the persuasive intent of advertising (i.e., the age of 7 or 8 years),[34, 40] media literacy education may be too late to protect children from the risks of exposure to unhealthy food marketing.

There is no evidence that unhealthy diet is caused by a lack of understanding about the difference between healthy and unhealthy food options. Preferences and consumption of healthy versus unhealthy foods are not related to accurate beliefs about the nutrition of either healthy or unhealthy foods in children and adults.[37, 41, 42] Food choices are determined primarily by perceived taste of both healthy and unhealthy foods.[37, 43, 44] In addition, governments and schools could not fund enough healthy messaging to offset the more than $1.6 billion that the food industry spends every year to promote primarily unhealthy foods to children and adolescents.[7] In fact, ten times that amount of funding would be required to communicate the proper balance of healthy versus unhealthy foods that constitute a healthy diet. Therefore, nutrition education programs designed to teach children about the benefits of healthy eating and the dangers of consuming the types of foods most commonly advertised are also unlikely to counteract the risks of exposure to unhealthy food marketing.

Marketing nutritious foods to children may not increase their desire for healthy foods and could potentially produce the opposite effect. The IOM recommended additional research on the effectiveness of marketing nutritious foods to young people as a potential means to counteract the influence of unhealthy food marketing.[14] Food marketers have expressed the difficulty of doing so because market research shows that children do not respond to marketing messages that promote the health benefits of foods.[7] Experimental studies also demonstrate an implicit belief among children and adults that healthy foods do not taste as good as unhealthy foods.[45-48] Perhaps as a result, there is little evidence that marketing of healthy foods to children has increased as a result of the CFBAI. Instead, it appears that companies have chosen to primarily reformulate existing products to somewhat improve the nutrition quality of the nutrient-poor foods traditionally marketed to children.[10, 11] Again, the research in this area does not suggest that healthy marketing will significantly offset the risks of exposure to unhealthy marketing and it could have the unintended consequence of reducing children's preferences for foods marketed as healthy.

Parental mediation to teach children critical media viewing skills and healthy eating does not counteract the harmful effects of media exposure. College students with parents who enforced rules about healthy eating when they were younger and who critically discussed the content of advertising and other television messages (i.e., engaged in critical viewing) were more likely to consume fewer unhealthy foods.[37] However, the relationship between television viewing and unhealthy diet remained strong after controlling for parental mediation; high levels of parental involvement did not offset the negative relationship found between children's television viewing and unhealthy diet in early adulthood.

Children and adolescents cannot be taught to defend against most food marketing effects

Successfully defending against the influence of food marketing requires four conditions: a) active attention to marketing stimuli and comprehension of their persuasive intent; b) understanding how one is affected by these stimuli and how to effectively resist; c) cognitive maturity to effectively resist, as well as available cognitive resources at the time of exposure; and d) the motivation to resist.[49] Even when young people understand marketers' intentions and the negative consequences of an unhealthy diet, it is highly unlikely that they can consciously consider and counteract even a small proportion of the hundreds of food marketing messages they encounter every day. In addition, marketers have developed techniques that effectively deactivate skepticism and negative responses to their persuasive messages so that young people will not process advertising information in the thoughtful rational manner required to protect themselves.

Many forms of marketing targeted to young people are designed to persuade "under the radar." Examples of common marketing techniques that successfully persuade without careful consideration of the messages presented include humorous and emotional advertising, product placements, and advergames.[50, 51] Therefore, even when children are old enough to understand the persuasive intent of advertising, they are not likely to carefully consider and refute the information presented in these covert forms of marketing.[49, 52] These marketing techniques are highly effective. A recent analysis of 880 advertising campaigns concludes, "The more emotions dominate over rational messaging, the bigger the business effects. The most effective advertisements of all are those with little or no rational content."[53] In addition, marketers continually identify new and creative strategies to influence indirectly; consumer behavior research demonstrates that individuals must identify and learn how to successfully cope with each new technique.[54]

Marketers utilize techniques that appeal to young people's unique developmental vulnerabilities and effectively reduce their motivation to resist. Marketing to children commonly associates nutrient-poor foods with fun and happiness, a primary motivation for most younger children.[10, 14] Social and viral marketing and messages that promote products as "cool" and socially desirable appeal to older children and adolescents' strong desire to fit in with their peers and separate from their parents.[55] Image advertising, celebrity endorsements and sponsorships also encourage product consumption as a means for adolescents to convey a desired image as they actively attempt to establish their own identities.[56-58] Although older children and adolescents likely understand the persuasive intent of these communications, their motivation to conform to the social messages they contain is often much stronger than their desire to resist.

Resisting marketing for highly desirable foods requires well-developed self-regulatory skills, which youth do not possess. Food marketing commonly portrays highly desirable images of extremely palatable foods that should only be consumed in small quantities. Resisting these enticing images requires considerable self-regulatory abilities.[49] The literature on adolescent self-regulation and effects of alcohol and tobacco marketing demonstrates that these skills are not fully developed until a person is in their early 20's.[59, 60] Even adults often find it difficult to resist these messages at all times.[21]

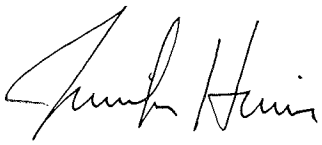
Substantial reductions are needed in young people's exposure to marketing for calorie-dense nutrient-poor foods.

The massive amount of marketing for calorie-dense nutrient-poor foods that young people encounter daily poses significant long-term risks to their health. As food marketing is most often specifically designed to influence without conscious and rational consideration of the messages presented and to take advantage of young people's developmental vulnerabilities, programs designed to educate young people about food marketing and nutrition are not likely to protect them from these risks. In fact, it may be virtually impossible for young people to defend against most common food marketing practices. We propose that the question parents and policymakers should be asking is not, "How can we teach children to defend against food marketing effects?" but, "At what age are we no longer obligated to protect them from the unhealthy influence of food marketing?"

Government regulation of food marketing to children and adolescents will likely be necessary. Industry self-regulation in its current form has done little to reduce young people's exposure to marketing for foods of poor nutritional quality. Numerous omissions and loopholes in CFBAI pledges may provide significantly more public relations benefit to the food industry than real health benefits to young people.[61-64] Analysis of other industries that have attempted self-regulation demonstrates that successful implementation requires governance by multiple stakeholders, transparency in creating standards, and external objective evaluation of impact;[64] none of these conditions exist in current food marketing self regulation initiatives. We cannot wait while the industry continues to implement minor improvements in current marketing pledges; the risks to young people's health are too critical. To the full extent of its power, the FCC should regulate food marketing to children and adolescents, and Congress should enhance the FCC's power accordingly.

Thank you for the opportunity to submit these comments.

Sincerely,



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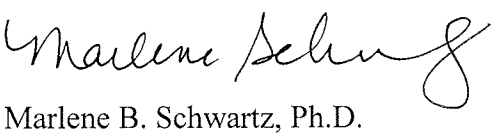

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